

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CORNELIUS WEBB,

Petitioner,

v.

THOMAS BELL,

Respondent,

Civil No. 2:07-CV-12689

HONORABLE PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

**ORDER COMPELLING RESPONDENT TO SERVE ANOTHER COPY OF THE
MOTION TO DISMISS UPON PETITIONER AND GRANTING PETITIONER AN
EXTENSION OF TIME TO FILE A TRAVERSE OR REPLY TO THE RESPONDENT'S
MOTION TO DISMISS.**

Before the Court is petitioner's motion to compel respondent to forward him a copy of their motion to dismiss, which was filed with this Court on January 9, 2008. Petitioner also requests additional time to file a traverse or reply brief to the motion to dismiss.

Respondent filed a motion to dismiss the petition for writ of habeas corpus with this Court on January 9, 2008. Petitioner claims that he never received a copy of the motion to dismiss. An answer to a petition for writ of habeas corpus, along with any attached exhibits, must be served upon a habeas petitioner. *See Thompson v. Greene*, 427 F. 3d 263, 269 (4th Cir. 2005). The Court will therefore order respondent to serve another copy of their motion to dismiss upon petitioner within ten days of this Court's order.

The Court will also give petitioner forty five days from the date of the receipt of the motion to dismiss to file a traverse or reply brief to the respondent's motion. Rule 5(e) of the Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254 states that a habeas petitioner "may

submit a reply to the respondent's answer or other pleading within a time fixed by the judge.”

See Baysdell v. Howes, 2005 WL 1838443, * 4 (E.D. Mich. August 1, 2005).

IT IS HEREBY ORDERED that respondent shall serve a copy of the motion to dismiss the petition for writ of habeas corpus upon petitioner within **ten (10) days** of this order.

IT IS FURTHER ORDERED That petitioner shall have **forty five (45) days** from the date that he receives the motion to dismiss to file a traverse or reply brief.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: March 25, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on March 25, 2008.

s/Denise Goodine

Case Manager